

SENATE BILL No. 331

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-32-9; IC 20-32-10; IC 21-18.5-4-8.5.

Synopsis: Student testing. Provides that after June 30, 2016, a public school may not require a student to take a qualified standardized test. Removes the requirement that a school is required to administer a college and career readiness exam to identify students who may require remedial work at a postsecondary educational institution or workforce training program. Requires the state board of education to provide a report to the general assembly that includes recommendations as to how to reduce the number of standardized assessments administered to students.

Effective: Upon passage; July 1, 2015.

Boots

January 8, 2015, read first time and referred to Committee on Education & Career Development.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 331

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-32-9-2, AS ADDED BY P.L.268-2013,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. The guidelines established in section 1 of this
4 chapter:
5 (1) must include indicators to assist school personnel in
6 determining whether a student may be in need of supplemental
7 instruction or remediation to minimize the student's need for
8 remedial course work at a postsecondary educational institution
9 or workforce training program;
10 (2) must provide standards and guidelines for secondary school
11 personnel to determine when a student is required to be assessed
12 under section 3 of this chapter, including guidelines that include
13 (A) a description of the school official who may make a
14 determination to assess a student under section 3 of this
15 chapter; and
16 (B) thresholds for determining whether a student who takes an



~~examination under section 3 of this chapter requires additional remediation or additional instruction; and~~

(3) may provide best practices and strategies for improving services and support provided by a school to assist a student in achieving the level of academic performance that is appropriate for the student's grade level to:

(A) reduce the likelihood that a student will fail a graduation exam and require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; or

(B) minimize the necessity for postsecondary remedial course work by the student.

SECTION 2. IC 20-32-9-3, AS ADDED BY P.L.268-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) If the appropriate secondary school official determines, using the indicators established in section 2 of this chapter, that a student before the spring semester, or the equivalent, in grade 11:

(1) has failed a graduation exam and may require a graduation waiver under IC 20-32-4-4 or IC 20-32-4-5; or

(2) will likely require remedial work at a postsecondary educational institution or workforce training program;

the appropriate secondary school official ~~shall require the student to take a college and career readiness exam approved by the state board in consultation with the department, the commission for higher education established under IC 21-18-2-1, the education roundtable established under IC 20-19-4-2, and the department of workforce development under IC 22-4.1-2-1. The cost of the exam shall be paid by the department.~~

(b) If a student is required to take an exam under subsection (a); the appropriate school official shall make a determination based on the guidelines established in section 2 of this chapter as to whether the student is in need of additional instruction or remedial action with respect to a particular subject matter. ~~covered in the exam.~~ If the appropriate school official determines that a student ~~who takes an exam under subsection (a)~~ is in need of remediation or supplemental instruction to prevent the need for remediation at a postsecondary educational institution or workforce development program, the appropriate school official shall inform the student's parent:

(1) of the likelihood that the student will require remedial course work;

(2) of the potential financial impact on the student or the parent for the additional remedial course work described in subdivision

(1), including that the student may not be eligible to receive state



1 scholarships, grants, or assistance administered by the
2 commission for higher education; and

3 (3) of the additional time that may be required to earn a degree;
4 while the student attends a postsecondary educational institution or
5 workforce development program. The appropriate secondary school
6 official may establish a remediation or supplemental instruction plan
7 with the student's parent.

8 ~~(c)~~ **(b)** Before a student determined to need additional instruction or
9 remedial action under subsection ~~(b)~~ **(a)** with respect to a particular
10 subject matter may enroll in a dual credit course under IC 21-43 in the
11 same subject matter or a related subject matter, the student may receive
12 additional instruction or remedial course work. ~~and must retake the~~
13 ~~examination described in subsection (a).~~ If the appropriate school
14 official determines that the student no longer requires additional
15 instruction or remedial action under the guidelines established under
16 section 2 of this chapter, ~~after retaking the exam under this section,~~ the
17 student may enroll in a dual credit course under IC 21-43. ~~The cost of~~
18 ~~the administration of the exam under this subsection shall be paid by~~
19 ~~the department.~~

20 SECTION 3. IC 20-32-10 IS ADDED TO THE INDIANA CODE
21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2015]:

23 **Chapter 10. Limitations on Student Testing**

24 **Sec. 1.** As used in this chapter, "qualified standardized test"
25 refers to a test that is developed by a third party and that is not
26 part of the curriculum of a particular student. The term does not
27 include the following:

- 28 (1) ISTEP assessment under IC 20-32-5 or a successor
29 statewide assessment used to assess a school's improvement
30 under IC 20-31-8.
- 31 (2) A locally adopted assessment approved by the board for a
32 freeway school corporation or a freeway school under
33 IC 20-26-15-6.
- 34 (3) A test used for diagnostic purposes under IC 20-25.
- 35 (4) An assessment used as part of the social, emotional, and
36 behavioral health plan under IC 20-19-5.
- 37 (5) An assessment used as part of the reading deficiency
38 remediation plan under IC 20-32-8.5.
- 39 (6) An assessment used to identify a high ability student under
40 IC 20-36-2-2.
- 41 (7) An assessment used to measure proficiency for a
42 secondary certificate of achievement under IC 20-32-3.



(8) An assessment used to determine whether a student is eligible to graduate under IC 20-32-4.

Sec. 2. After June 30, 2016, a public school may not require a student to take a qualified standardized test.

SECTION 4. IC 21-18.5-4-8.5, AS ADDED BY P.L.268-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.5. (a) This section does not apply to a student who:

- (1) receives a graduation waiver under IC 20-32-4-4; and
- (2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);

if the student has an individualized education program under IC 20-35-7.

(b) Except as provided in subsection (a), this section applies to a student who receives a graduation waiver under IC 20-32-4-4 after June 30, 2014.

(c) Notwithstanding any other law, and except as provided in subsection (e), a student who:

- (1) receives a graduation waiver under IC 20-32-4-4; and
- (2) receives a general diploma by satisfying the conditions set forth in IC 20-32-4-4, including, with respect to IC 20-32-4-4(6), the condition set forth in IC 20-32-4-4(6)(B);

is disqualified from receiving state scholarships, grants, or assistance administered by the commission unless the student **requests to take and** passes a college and career readiness exam. ~~described in IC 20-32-9-3.~~

(d) The college and career readiness exam taken by a student under subsection (c) shall be administered by the secondary school that granted the student the graduation waiver. The cost of the exam shall be paid by the department.

(e) A student described in subsection (c) is not disqualified from receiving state scholarships, grants, or assistance administered by the commission for credit bearing degree seeking courses, as mutually defined by the commission and the postsecondary educational institution offering the course.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20, as amended by this act, apply throughout this SECTION.

(b) Before November 1, 2015, the state board, in consultation with the department, shall submit a report to the legislative council in an electronic format under IC 5-14-6. The report shall include:

- (1) a detailed description of standardized tests or assessments**



1 developed by a third party that are not part of the curriculum
2 for a particular student that are used by Indiana public
3 schools;

4 (2) a summary of the costs to a public school associated with
5 administering a standardized test described in subdivision (1);

6 (3) a description of the estimated amount of time and
7 resources that a public school uses to administer standardized
8 tests and an estimate of the amount of additional instructional
9 time that a typical student would receive if the student was
10 not required to participate in the standardized assessment;
11 and

12 (4) recommendations on how the state can minimize the
13 number of standardized tests described in subdivision (1) that
14 are administered to students in public schools. The
15 recommendations should include any recommended
16 legislative changes necessary to reduce the number of
17 standardized tests that students are required to take.

18 (c) This SECTION expires January 1, 2016.

19 SECTION 6. An emergency is declared for this act.

